

**IOWA BOARD OF MEDICINE
REGULARLY SCHEDULED MEETING: June 2-3, 2016**

A G E N D A^{1, 2, 3, 4, 5}

BOARD MEMBERS: Diane Clark, Chair; Ronald Cheney, D.O., Vice Chair; Kyle Ulveling, M.D., Secretary; Diane Cortese; Nicole Gilg Gachiani, M.D.; Ronald Kolegraff, M.D.; KellyAnn Light-McGroary, M.D.; Mary Jo Romano; Hamed Tewfik, M.D.; Charles Wadle, D.O.

THURSDAY, JUNE 2, 2016

7:30 a.m. **EXECUTIVE COMMITTEE - Medical Conference Room B**
Chair Clark, Cheney, Cortese, Tewfik, Ulveling

8:00 a.m. **SCREENING COMMITTEE - Board Room**
Chair Wadle, Gilg Gachiani, Kolegraff, Light-McGroary, Romano

9:00 a.m. **MONITORING COMMITTEE - Board Room**
Chair Cheney, Cortese, Gilg Gachiani, Kolegraff, Wadle

9:00 a.m. **LICENSURE COMMITTEE - Medical Conference Room B**
Chair Tewfik, Clark, Light-McGroary, Romano, Ulveling

BOARD – OPEN SESSION - Board Room
Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle

- A. Call to Order, Roll Call to Establish a Quorum & Acknowledgment of Absent Members**
- B. Review of Agenda**

BOARD – CLOSED SESSION - Board Room
Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle

- A. Iowa Physician Health Committee**
 - 1. Notice of non-compliance

B. Committee Reports

1. Licensure
2. Monitoring
3. Screening

C. Review of Closed Minutes

1. April 7-8, 2016

LUNCH BREAK**BOARD – CLOSED SESSION - Board Room**

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

BOARD – OPEN SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

A. Unlicensed Practice of Medicine Cases

1. Jeffrey D. Goldstein

B. Vote on Cases Reviewed in Closed Session**ADJOURN**

The Chair will accept a motion to adjourn the meeting until 8 a.m. Friday, June 3, 2016.

FRIDAY, JUNE 3, 2016

8:00 a.m.

BOARD – OPEN SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

A. Call to Order, Roll Call to Establish a Quorum & Acknowledgment of Absent Members**BOARD – CLOSED SESSION – Board Room**

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

BOARD – OPEN SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

A. Vote on Cases Reviewed in Closed Session

9:00 a.m.

OPEN SESSION/PUBLIC MEETING^{3,5} - **Board Room**

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

A. Call to Order, Roll-call to Establish a Quorum & Acknowledge Absent Members

B. Opportunity for Public Comments⁵

(Public can make comments now or when specific agenda items are addressed.)

C. Board Minutes for Consideration of Approval

1. April 7-8, 2016 - open and closed
2. April 12, 2016 - open
3. April 15, 2016 - open

D. Chair's Report

E. Executive Director's Report

F. FY2017 budget

G. Administrative Rules

1. **For consideration - Notice of Intended Action.** This amendment to 653 IAC Chapter 13 rescinds rules related to medical abortion deemed unlawful by the Iowa Supreme Court in opinion No. 14-1415.
2. **For consideration - Notice of Intended Action.** This amendment to 653 IAC Chapter 25 addresses an outdated description of the composition of a board panel that hears contested case proceeding.
3. **For information only - ARC 2535C,** amendments to 653 IAC Chapter 13. They update the list of board-recommended resources for chronic pain management, including the new CDC guideline on opioid prescribing. A public hearing was held May 31.
4. **For information only - ARC 2523C,** amendments to 653 IAC Chapters 9 and 11, become effective June 15. They implement 2015 Iowa Acts, Senate File 276, which creates a license for the administrative, non-clinical practice of medicine.
5. **For information only - ARC 2524C,** amendments to 653 IAC Chapter 9, becomes effective June 15. They update process and administration aspects of the medical licensure rules, including emphasis on e-mail communication with licensees.
6. **For information only - amendments to 653 IAC Chapter 17, Licensure of Acupuncturists.** The Board's notice of intended action to update the chapter was approved on January 14, 2016. The notice is under review by the Governor's office.
 - a. Iowa Physical Therapy Association's response for information on curriculum at Iowa physical therapy schools.

- 7. For information only - ARC 1780C**, an amendment to 653 IAC Chapter 13. This is a follow-up to the National Transportation Safety Board's 2014 recommendation for rulemaking. The Board's proposed rule would have required Iowa physicians to discuss with patients the effects that patients' medical conditions and the medications they use may have on their ability to safely operate a vehicle in any mode of transportation..

H. Report on Joint Rulemaking by the Boards of Medicine and Physician Assistants

- 1. ARC 2532C**, the Board of Medicine's adopted rule, becomes effective June 15.
- 2. ARC 2531C**, the Board of Physician Assistants' re-noticed rule, is reviewed today (June 3) at a public hearing.

I. Final Schedule for Ongoing Comprehensive Review of Rules (for information only)

J. Report on HF2449 Deadline for Rulemaking Required by Legislation

K. Report on SF2188, Prescribing Certificates and Psychologists who Prescribe Psychotropic Medications

- 1. Overview of legislation**
- 2. Board of Medicine's ad hoc subcommittee**

L. Report on Ad Hoc Subcommittee to Study Sexual Orientation Change Efforts

- 1. Petition for rulemaking formally denied on April 22.**
- 2. Subcommittee's focus and timeline**

M. FY2017 Regulatory Plan (for consideration of adoption)

N. Report on 2016 Legislation & 2017 Legislation Outlook

O. National Practitioner Data Bank

- 1. Analysis of complete and accurate reporting**
- 2. Analysis of impact on alternative medical malpractice dispute models ("candor" laws)**

P. Interstate Medical Licensure Compact Update

Q. Report from Board of Pharmacy

- 1. SF2102 - Updates in the prescription drug monitoring program, including information access through electronic health records.**
- 2. SF2218 - Naloxone prescribing to non-person entity**
- 3. Commercial compounding update**

R. Judicial Review/Legal Update

1. **Butt v. BOM, No. 15-1201** – District Court upholds Board’s decision to suspend physician’s license. Appealed to Supreme Court. Briefing completed. Case will be decided without oral argument. Court entered order affirming the Board’s suspension of his license.
2. **Rabi v. BOM (challenging contested case decision)** – Brief has been filed on Board’s behalf asking the court to affirm the Board’s decision. Awaiting decision. Case is continued pending resolution of request for reinstatement at board level. Rabi has asked for a continuance pending consideration of matters at agency level. Status conference due to Court on April 15th. Rabi filed an amended petition challenging Board’s latest decision denying termination of probation and alleging ex parte communication violations. The petition requested appointment of a special master and removal of AAG Bussanmas from the case. Hearing set for May 26, 2016 on Rabi’s amended petition and allegations of ex parte communication.
3. **Rabi v. BOM (challenge to decision reinstating license)** – Newly filed appeal. A motion to dismiss was filed on behalf of Board on 1/28. Rabi asked for a continuance pending consideration at agency level. Rabi filed a dismissal “without prejudice” so case is now done.
4. **Risk v. BOM – (challenging Board’s denial of his request for rehearing)** Answer filed. Risk filed his brief on 11/24. Board’s brief was due 12/9. District Court affirmed the Board’s decision and instructed Risk to go to the Board through normal process to ask that restriction is lifted. Risk filed an appeal with Supreme Court. Dr. Risk filed his brief and the Board’s brief was filed on June 2, 2016. Risk will have an opportunity to reply and then case will likely be set for oral argument before the Court of Appeals.
5. **Fleming v. BOM, No. 14-0975** – Appendix filed. Final briefs filed. Awaiting decision. The court accepted case without oral argument. Awaiting decision. (still awaiting decision).

S. Board Member Education

1. Waivers and variances

T. Federation of State Medical Boards

1. Recap of 104th annual meeting is April 28-30, San Diego
2. Actions taken by House of Delegates
3. New officers and new members of the Board of Directors

U. Iowa Physician Health Committee/Program

1. Program update (Amy Van Maanen)

V. Correspondence, reports & articles

1. *Confronting a crisis: An open letter to America's physicians on the opioid epidemic.* By Steven J. Stack, M.D., president of the American Medical Association. May 19, 2016.

2. *Researchers: Medical errors now third leading cause of death in United States.* By Ariana Eunjung Cha, Washington Post. May 3, 2016.
3. *Prevalence of burnout in physicians and other professionals referred for clinical competence assessment.* By Elizabeth S. Grace, M.D., medical director, and Alisa Johnson, M.S., director of assessment services, Center for Personalized Education for Physicians. 2016.
4. *Ethics remediation as a component of board sanctions for physician sexual boundary violations.* By Catherine V. Caldicott, M.D., program director, Professional/Problems Based Ethics, Center for Personalized Education for Physicians. 2016.
5. *When patients are a pain for their doctors.* By Sumathi Reddy, Wall Street Journal. April 4, 2016.
6. *Iowa Healthcare Guide, 2016-17.* Medical Publishing LLC.

W. Committee Reports

1. Licensure
 - a. Waiver requests
2. Monitoring
3. Screening

BOARD – CLOSED SESSION – Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

BOARD – OPEN SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

LUNCH BREAK

BOARD – CLOSED SESSION – Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

BOARD – OPEN SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

A. Vote on Cases Reviewed in Closed Session

ADJOURN

If there is no further business to conduct, the Chair will declare the meeting adjourned.

(1) The confidential matters listed on the agenda may concern medical records on the condition, diagnosis, care or treatment of a patient or investigation reports and other investigative information which are privileged and confidential under the provisions of Sections 22.7(2) and 272C.6(4), of the 2015 Code of Iowa. These matters constitute a sufficient basis for the Board to consider a closed session under the provisions of Section 21.5(1)(a), (c), (d), (f) and (g) of the 2015 Code of Iowa. These sections provide that a governmental body may hold a closed session only by affirmative public vote of either two-thirds of the members of the body if all present, or all of the members present if not all members are present at the meeting to review or discuss records which are required or authorized by state or federal law to be kept confidential, to discuss whether to initiate licensee disciplinary investigations or proceedings and to discuss the decision to be rendered in a contested case conducted according to the provisions of Chapter 17A.

(2) Hearings may be closed at the discretion of the licensee, according to Section 272C.6(1) of the Code of Iowa 2015.

(3) Public agenda materials are available via e-mail. Contact: ibm@iowa.gov

(4) The Board may address agenda items out of sequence to accommodate persons appearing before the Board or to aid in the efficiency or effectiveness of the meeting.

(5) At this time, members of the audience may address the Board for a period not to exceed 5 minutes. The Board reserves the right to reduce this time based on the number wishing to speak. If a member of the public wishes to address the Board with the intention of getting a Board decision at the meeting, the individual should request permission to be on the Board agenda. Written requests are due in the Board office at least 14 days in advance of the meeting.

The Board's scheduled meetings for the remainder of 2016:

- **Thursday and Friday, July 28-29**
- **Thursday, August 11 (teleconference)**
- **Thursday and Friday, September 15-16**
- **Thursday and Friday, October 27-28**
- **Thursday, November 10 (teleconference)**
- **Thursday and Friday, December 15-16**

The Board's office closing for the remainder of 2016:

- **Monday, May 30 (Memorial Day observed)**
- **Monday, July 4 (Independence Day)**
- **Monday, September 5 (Labor Day)**
- **Friday, November 11 (Veterans Day)**
- **Thursday and Friday, November 24-25 (Thanksgiving)**
- **Monday, December 26 (Christmas observed)**

If you require the assistance of auxiliary aids or services to participate in/or attend the meeting because of a disability, please call our ADA Coordinator at (515) 281-5604. If you are hearing impaired, call Relay IA TTY at 1-800-735-2942.